

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

In re:)	Bankruptcy No.: 10-02236-dd
)	
Terry Lee Sandifer,)	Chapter 12
)	
Debtor.)	MOTION TO USE CASH COLLATERAL
)	
_____)	

The Debtor, Terry Lee Sandifer, moves this Court pursuant to 11 U.S.C. Section 363(a) for authority to use cash collateral and would show and allege as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. Section 1335 and Section 157. On March 29, 2010 the Debtor filed a voluntary Petition for relief under Chapter 12 of the United States Bankruptcy Code.
2. The United States of America, acting through the Farm Service Agency, Enterprise Bank of SC, and the South Carolina Department of Revenue (the "Secured Creditors") assert a security interest in cotton proceeds (\$5,000.00), government farm program payments (\$18,000.00), crop insurance proceeds (\$1,500.00), 5,000 bushels of corn and proceeds of the corn, and 3,200 bushels of soybeans and proceeds of the soybeans ("cash collateral").
3. The Debtor wishes to provide adequate protection of the claimed lien of Secured Creditors to the extent their claimed interest in the cash collateral is hereafter used.
4. The Debtor proposes the following form of adequate protection for Secured Lenders' interest in the property and the cash collateral:
 - A. The Debtor seeks authority in this Motion to be permitted to use cash collateral as set forth in its cash collateral budget attached to the Motion as Exhibit "A." The Debtor cannot successfully operate his farm unless he can maintain his operations, pay for necessary services and do the other things he has done in the ordinary course of business.
 - B. The Debtor does not have sufficient unencumbered cash or other assets with which to continue and operate its business in Chapter 12.
 - C. The Debtor proposes to grant Secured Creditors a lien on his post petition crops, crop insurance proceeds, and farm program

payments in the same order of priority that existed pre-petition, in an amount equal to the diminution in value caused by the Debtor's use of the cash collateral.

5. The Debtor must have immediate authority to use cash collateral in order to continue his operations without interruptions toward the objective of formulating an effective plan of reorganization for the benefit of all his Creditors.

WHEREFORE, the Debtor requests that this Court authorize the use of cash collateral for the purposes set out in Exhibit "A", and grant such other and further relief as the Court deems just and proper.

Respectfully submitted this the 27th day of April, 2010 at Columbia, South Carolina.

/S/ Reid B. Smith
Reid B. Smith
District Court ID#4200
1712 St. Julian Place, Suite 102
Columbia, South Carolina 29204
(803) 779-2255

Attorney for Debtor.

FOR THE DISTRICT OF SOUTH CAROLINA

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Debtor.)	
)	Exhibit A
)	

projected expenses:

labor	\$33,370.00
machinery repairs	\$20,000.00
land rent	\$17,000.00
feed	\$ 1,500.00
seed	\$47,080.00
fertilizer	\$63,800.00
pesticide & spray materials	\$39,185.00
supplies	\$ 3,150.00
fuel & oil	\$25,000.00
personal property tax	\$ 1,500.00
property insurance	\$40,000.00
utilities	<u>\$ 8,500.00</u>
TOTAL	\$300,085.00

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Debtor.)	
_____)	CERTIFICATE OF SERVICE

I, Analyn B-Calatrava, the undersigned employee of Bird & Smith, PA do hereby certify that I have, this 27th day of April, 2010, served a copy of the foregoing Motion to Use Cash Collateral and a proposed Order Authorizing Debtor's Use of Cash Collateral on below mentioned creditors via US Mail and/or CM/ECF.

Attorney General of the United States
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Farm Service Agency
1927 Thurmond Mall
Columbia, SC 29201-2387

Jody A. Bedenbaugh
P.O. BOX 11070
Columbia, SC 29211-1070

SC Department of Revenue & Taxation
P.O. BOX 12265
Columbia, SC 29211-2265

US Trustee's Office
Strom Thurmond Federal Building
1835 Assembly Street, Suite 953
Columbia, SC 29201-2448

United States Attorney's Office
Attention: J. Douglas Barnett
1441 Main Street, Suite 500
Columbia, SC 29201-2862

J. Kershaw Spong
P.O. BOX 944
Columbia, SC 29202-0944

/s/ Analyn B-Calatrava
Analyn B-Calatrava
Bird & Smith, PA